

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Eulalio Bazan

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Maria Corina Bazan

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Maria Corina Bazan, as surviving spouse/administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:
Southern District of Texas, Corpus Christi Division

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☒ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

2/09/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation

- 1 ☒ Count IX: Negligence *Per Se*
- 2 ☒ Count X: Breach of Express Warranty
- 3 ☒ Count XI: Breach of Implied Warranty
- 4 ☒ Count XII: Fraudulent Misrepresentation
- 5 ☒ Count XIII: Fraudulent Concealment
- 6 ☒ Count XIV: Violations of Applicable Texas (insert state)
- 7 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 8 Practices
- 9 ☐ Count XV: Loss of Consortium
- 10 ☐ Count XVI: Wrongful Death
- 11 ☐ Count XVII: Survival
- 12 ☒ Punitive Damages
- 13 ☐ Other(s): _____ (please state the facts supporting
- 14 this Count in the space immediately below)
- 15 _____
- 16 _____
- 17 _____
- 18 _____
- 19 _____

20 13. Jury Trial demanded for all issues so triable?

- 21 ☒ Yes
- 22 ☐ No

1 RESPECTFULLY SUBMITTED this 19 day of August 2019.

2 **LIEFF CABRASER HEIMANN &**
3 **BERNSTEIN, LLP**

4 By: /s/ Wendy R. Fleishman

5 Wendy R. Fleishman

6 Daniel E. Seltz

7 **LIEFF CABRASER HEIMANN**
8 **& BERNSTEIN, LLP**

9 250 Hudson St. 8th Floor

10 New York, NY 10013

11 *Attorneys for Plaintiff*

12 I hereby certify that on this 19 day of August 2019, I electronically transmitted the
13 attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Wendy R. Fleishman